



California Fair Political Practices Commission

November 28, 1989

Steven Lewis Phillips
Morrison & Foerster
345 California Street
San Francisco, CA 94104-2675

Re: Your Request for Advice
Our File No. A-89-627

Dear Mr. Phillips:

You have requested confirmation of my telephone advice provided to you concerning the campaign disclosure provisions of the Political Reform Act (Government Code Sections 81000-91015).

Your letter, received October 30, 1989, correctly summarizes my advice that, under the facts presented, the contributions made by Morrison and Foerster and the contributions made by individual partners of the firm are not required to be aggregated. Therefore, a major donor committee campaign statement is not required. A copy of your letter is enclosed for your convenience.

Please contact me at (916) 322-5662 if you have additional questions.

Sincerely,

Kathryn E. Donovan
General Counsel

By: Alice Hughes
Political Reform Consultant

Enclosure

MORRISON & FOERSTER

LOS ANGELES
ORANGE COUNTY
WALNUT CREEK
PALO ALTO
DENVER

ATTORNEYS AT LAW

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NEW YORK
WASHINGTON, D.C.
LONDON
HONG KONG
TOKYO

DIRECT DIAL NUMBER

October 26, 1989

(415) 677-7029

Ms. Alice Hughes
Fair Political Practices Commission
428 J Street
Sacramento, California 95814

Re: Major Donor Committee Status

Dear Alice:

The purpose of this letter is to confirm that Morrison & Foerster does not qualify as a Major Donor Committee under the Campaign Disclosure provisions of the Political Reform Act. An associate in our office, Karl Fickenscher, contacted you by telephone on October 25th and discussed this firm's contribution to "Yes on the Ballpark, a Committee for Proposition P." In that conversation, you stated that the contribution by the firm itself was not required to be aggregated with other contributions to the same committee made on an individual basis by several members of the partnership. Since neither the firm's contribution to the committee nor any individual contribution approached the \$10,000.00 statutory threshold for a Major Donor Committee, a Major Donor Committee Campaign Statement is not required to be filed. I am writing to you to explain more fully the facts of this situation in order to ensure compliance with all provisions of the Campaign Disclosure Provisions of the Political Reform Act.

Morrison & Foerster is a law firm with 531 attorneys in 11 cities worldwide. There are 170 partners in the firm as a whole and 70 partners in the main office in San Francisco. Of these 70 partners in San Francisco, 15 individuals have made or intend to make some type of individual contribution to the "Yes on the Ballpark" committee. The amount of these individual contributions varies in a range from \$50.00 up to one contribution of \$2,000.00, and the total of all individual contributions either already made or intended is \$5,900.00.

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Morrison & Foerster itself has made a contribution of \$5,250.00 to the "Yes on the Ballpark" committee, as part of its firm-wide commitment to public service in each of the cities where it has an office. Most often this commitment takes the form of providing *pro bono* legal services to individuals in the community or community organizations, but on occasion the firm has contributed funds directly to various charities, or indirectly through a charitable organization called the Morrison & Foerster Foundation. On this particular occasion the firm contributed its own funds directly to the "Yes on the Ballpark" committee. The decision to make such a contribution, however, was independent of the decisions by several of the firm's partners to make contributions on their own behalf to the same committee.

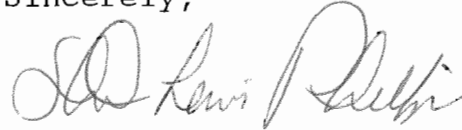
While the firm's position on the ballpark measure is a favorable one, the partners and employees of Morrison & Foerster are completely free to support or oppose the ballot measure, both politically and financially. There is no common plan to support the "Yes on the Ballpark" committee between the firm as a whole and any individual partner or employee. Moreover, those partners that have made or intend to make contributions to the "Yes on the Ballpark" committee do not constitute a control group within the firm. Firm policy is set by the partnership as a whole, including the partners outside of San Francisco, through the procedures of our partnership agreement. The individual partners in question merely made or will make independent contributions to the same committee to which the firm contributed.

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It is therefore our understanding that the independent contributions by individuals that are partners of the firm need not be aggregated with the contribution made by the firm itself. Since neither the contributions of the individual partners nor the single contribution by the firm itself is equal to \$10,000.00 or more, no filing is required by the Campaign Disclosure Provisions of the Political Reform Act. Please confirm to me in writing that the Fair Political Practices Commission agrees with our understanding. If you need more information or have any questions, please contact me and I will assist you in any way that I can. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steven Lewis Phillips".

Steven Lewis Phillips

SLP:kwf



California Fair Political Practices Commission

November 2, 1989

Steven Lewis Phillips
Morrison & Foerster
345 California Street
San Francisco, CA 94104-2675

Re: Letter No. 89-627

Dear Mr. Phillips:

We received your letter requesting confirmation of advice under the Political Reform Act on October 30, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

Kathryn E. Donovan
Kathryn E. Donovan
General Counsel

KED:plh:confadv1